

Dianne Crandell Kerns, Trustee  
Office of the Chapter 13 Trustee  
Mailing Address:  
7320 N. La Cholla #154-413  
Tucson, AZ 85741  
TELEPHONE 520.544.9094  
FACSIMILE 520.544.7894  
MAIL@DCKTRUSTEE.COM

United States Bankruptcy Court  
District Of Arizona

In re:	)	
	)	
RALPH GARCIA	)	Case No. 09-33587-TUC-JMM
	)	
DIANE GARCIA	)	
	)	
Debtor(s)	)	Chapter 13
	)	
Last four digits of Social Security No(s): 6732	)	
6016	)	
_____	)	

*Notice of Return of  
Proposed Stipulated Order on Confirmation (SOC)  
Notice of Motion to Dismiss  
And  
Notice of Intent to Upload Order Dismissing Case*

Dianne C. Kerns, Trustee for the above-captioned estate, hereby gives notice that  
the *Order Confirming Chapter 13 Plan* has been reviewed by the Trustee and is being  
returned to Debtor's counsel for the following reasons:

- 1. Pursuant to the Trustee's calculations, the Chapter 13 Plan is not feasible at this time because it does not comply with 11 U.S.C. §1325(b)(1)(B). According to the debtors' Form B22C, the disposable income of \$611.98, multiplied by 60 months, results in a dividend to unsecured creditors of \$36,718.80. Pursuant to the Trustee's calculations, the dividend to unsecured creditors is \$10,432.89.**

The Trustee further gives notice that the debtor is required to resolve the above issues, resubmit the Order Confirming Plan to the Trustee and file a Notice with the Court stating the issues have been resolved.

This Notice will serve as the Trustee's Motion to Dismiss the case in the event the above issues are not resolved within 30 days from the date of this Notice.

Pursuant to L.R.B.P. 2084-10(b), the Debtor has 30 days to comply with the Trustee's requests, or the Trustee will upload and serve a proposed dismissal order stating the Debtor has failed to comply with the Trustee's request. If the Debtor is unable to comply with the requirements within 30 days, an extension of time should be requested from the Bankruptcy Court stating the reasons for the delay.

Dated this 3<sup>RD</sup> day of September, 2010.

OFFICE OF THE CHAPTER 13 TRUSTEE  
7320 N. La Cholla #154-413  
Tucson, AZ 85741

By /s/ DCK 011557

Dianne C. Kerns, Chapter 13 Trustee

A copy of the foregoing **NOTICE OF RETURN OF PROPOSED STIPULATED ORDER ON CONFIRMATION (SOC), NOTICE OF MOTION TO DISMISS AND NOTICE OF INTENT TO UPLOAD ORDER DISMISSING CASE**

was filed with the United States Bankruptcy Court and a copy together with a receipt of filing transmitted via electronic or first class mail this 9/3/2010 to:

Debtors:  
RALPH & DIANE GARCIA  
7370 S VIA DEL PROMONTORIO  
TUCSON AZ 85746

Attorneys for Debtors:  
KATHRYN JOHNSON  
2 E CONGRESS ST STE 900  
TUCSON AZ 85701

By: AH